

REMARKS

Claims 18-37 are pending. By this Amendment, Claims 24 and 32 are amended, Claims 18-19, 25-31 and 36 are cancelled, Claims 38 and 39 are added, thereby leaving Claims 20-23, 33-35 and 37 unchanged.

Applicant wishes to thank the Examiner for the indication of allowable subject matter in Claims 20-23, 27-28, 31 and 34-36.

Claims 18-19, 24-26, 29-30, 32-33 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,044,559.

By this Amendment, Applicant has cancelled rejected independent Claims 18 and 25 and their corresponding dependent claims, and has amended independent Claim 32 to include the subject matter of allowable dependent Claim 36, thereby placing independent Claim 32 in allowable form. Independent Claim 20 has already been identified as being allowable.

New independent Claim 38 recites a power tool including a housing, a motor supported by the housing and operable to drive a tool element, a handle supported by the housing for movement relative to the housing, the handle having a first position relative to the housing and a second position relative to the housing, the power tool being operable with the handle in the first position and in the second position, and a switch assembly supported on the handle for movement with the handle, the switch assembly being electrically connectable to the motor and operable to selectively connect the motor to a power source.

None of the references, either alone or in combination, teach or suggest all the claim limitations of new independent Claim 38. Also, Claim 38 does not introduce new subject matter or create any additional burden on the Examiner and, therefore, should be considered in the present application. Accordingly, independent Claim 38 is allowable.

New independent Claim 39 recites a power tool including a housing, a motor supported by the housing and operable to drive a tool element, a handle supported by the housing for movement relative to the housing, the handle having a first position relative to the housing and a second position relative to the housing, the power tool being operable with the handle in the first position and in the second position, and a locking assembly operable between a locked condition, in which the handle is fixed in a position relative to the housing, and an unlocked condition, in which the handle is movable relative to the housing.

None of the references, either alone or in combination, teach or suggest all the claim limitations of new independent Claim 39. Also, Claim 39 does not introduce new subject matter

or create any additional burden on the Examiner and, therefore, should be considered in the present application. Accordingly, independent Claim 39 is allowable.

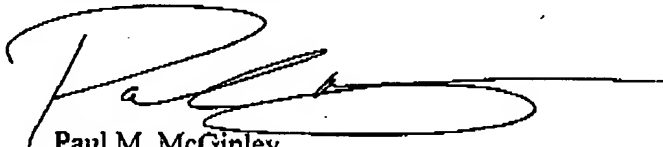
In view of the present amendments, Applicant has cancelled the rejected subject matter from the application and has placed the application in a condition for allowance.

CONCLUSION

In view of the foregoing, entry of the present Amendment and allowance of Claims 20-24, 32-35 and 37-39 are respectfully requested.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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